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4 UNITED STATES DISTRICT COURT
5 WESTERN DISTRICT OF WASHINGTON
6 AT TACOMA

7 Nixon,

8 Petitioner,

9 v.

10 State of Washington,

11 Respondent.

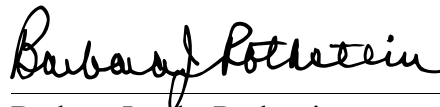
No. 3:21-cv-05010-BJR-DWC

**ORDER ADOPTING REPORT AND
RECOMMENDATION**

12 The Court, having reviewed the Report and Recommendation of Magistrate Judge David
13 W. Christel and the remaining record, does hereby find and ORDER:

- 14 (1) The Court adopts the Report and Recommendation.
15 (2) Petitioner's federal habeas Petition is dismissed without prejudice.
16 (3) A certificate of appealability is denied in this case.
17 (4) The Clerk is directed to send copies of this Order to Petitioner, counsel for
18 Respondent, and to the Hon. David W. Christel.

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20 **DATED** this 12th day of May, 2021.

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23 Barbara Jacobs Rothstein
24 U.S. District Court Judge
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